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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR03-0549-TSZ  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 PAPATAIA FESILI, JR. ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 A hearing on supervised release revocation in this case was scheduled before me on  
15 February 2, 2010. The United States was represented by AUSA Patricia C. Lally and the  
16 defendant by Richard J. Troberman. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about September 1, 2004 by the Honorable Thomas  
18 S. Zilly on a charge of Manufacture of Methamphetamine, and sentenced to 71 months custody,  
19 5 years supervised release. (Dkt. 42 )

20 The conditions of supervised release included the standard conditions plus the  
21 requirements that defendant be prohibited from possessing a firearm, submit to mandatory drug  
22 testing, participate in a drug dependency program, abstain from alcohol, and provide his

01 probation officer with financial information upon request.

02 In June 2009, defendant's probation officer reported that defendant had tested positive  
03 for methamphetamine. He was reprimanded, referred for professional assessment, and testing  
04 frequency was increased. (Dkt. 44.) On August 27, 2009, defendant admitted violating the  
05 conditions of supervised release by using methamphetamine and cocaine, failing to participate  
06 in drug treatment and failing to participate in drug testing. He was sentenced to 30 days in  
07 custody, followed by supervised release of 4 years. (Dkt. 56.)

08 On October 16, 2009, defendant admitted violating the conditions of supervision by using  
09 methamphetamine and failing to reside in a residential reentry program for up to 120 days. (Dkt.  
10 63.) A sentence of 30 days was imposed, followed by supervised release of 4 years. (Dkt. 67.)

11 In an application dated December 7, 2009 (Dkt. 68-69), U.S. Probation Officer Joe G.  
12 Mendez alleged the following violations of the conditions of supervised release:

13 1. Failing to comply with the location monitoring program since December 5, 2009,  
14 in violation of the special condition requiring he participate in the location monitoring program  
15 with electronic monitoring for a period of 120 days.

16 2. Using Methamphetamine on or before 11/25/09, in violation of standard condition  
17 #7.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted the alleged violations and waived any evidentiary hearing as to  
20 whether they occurred.

21 I therefore recommend the Court find defendant violated his supervised release as alleged,  
22 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be

01 set before Judge Zilly.

02 Pending a final determination by the Court, defendant has been detained.

03 DATED this 2nd day of February, 2010.

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05 Mary Alice Theiler  
06 United States Magistrate Judge

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08 cc: District Judge: Honorable Thomas S. Zilly  
09 AUSA: Patricia C. Lally  
10 Defendant's attorney: Richard J. Troberman  
11 Probation officer: Joe G. Mendez  
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